

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DEVIN BRANDIS PUGH,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:25cv27-MHT
)	(WO)
CLARKE COUNTY, ALABAMA,)	
)	
Defendant.)	

ORDER

This cause is now before the court on what the clerk's office has docketed as plaintiff's notice of interlocutory appeal (Doc. 35). It is not clear to the court that plaintiff intended to file a notice of interlocutory appeal. It appears that he may have intended to file a notice of appeal as to only those cases of his that have already been dismissed. See Notice (Doc. 35) at 1, 3, and 4.* However, to the extent that plaintiff intended an interlocutory appeal

* As to his still-pending cases, such as this one, plaintiff makes an objection to the recommendation of the magistrate judge. See *id.* at 5.

of this case, the court treats his appeal notice as containing a motion to proceed on appeal in forma pauperis.

28 U.S.C. § 1915(a) provides that, "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." In making this determination as to good faith, a court must use an objective standard, such as whether the appeal is "frivolous," *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or "has no substantive merit." *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 15, 1981) (per curiam); see also *Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam); *Morris v. Ross*, 663 F.2d 1032 (11th Cir. 1981). Applying this standard, this court is of the opinion that the plaintiff's interlocutory appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. See, e.g., *Rudolph v. Allen*, *supra*; *Brown v. Pena*, 441 F. Supp.

1382 (S.D. Fla. 1977), *aff'd without opinion*, 589 F.2d
1113 (5th Cir. 1979).

Accordingly, it is ORDERED that the plaintiff's
motion to proceed on appeal in forma pauperis is
denied; and that the appeal in this cause is certified,
pursuant to 28 U.S.C. § 1915(a), as not taken in good
faith.

DONE, this the 17th day of June, 2025.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE